United Nations S/PV.8389

Security Council

Seventy-third year

Provisional

8389th meeting
Monday, 5 November 2018, 10 a.m.
New York

President:	Mr. Ma Zhaoxu	(China)
Members:	Bolivia (Plurinational State of)	Mr. Inchauste Jordán
	Côte d'Ivoire	Mr. Ipo
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Ms. Guadey
	France	Mr. Delattre
	Kazakhstan	Mr. Tumysh
	Kuwait	Mr. Albanai
	Netherlands	Mr. Van Oosterom
	Peru	Mr. Tenya
	Poland	Ms. Wronecka
	Russian Federation	Mr. Nebenzia
	Sweden	Mr. Orrenius Skau
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mr. Cohen

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in Chinese*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2018/985, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:
Bolivia (Plurinational State of), Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:
None

Abstaining:
China, Russian Federation

The President (*spoke in Chinese*): The draft resolution received 13 votes in favour, none against and 2 abstentions. The draft resolution has been adopted as resolution 2441 (2018).

I now give the floor to those members of the Council who wish to make statements after the vote.

Mr. Hickey (United Kingdom): The United Kingdom welcomes the Security Council's agreement to renew the Libya sanctions regime. In particular, we welcome the fact that the Council has taken an important step by expanding the designation criteria to include gender-based violence. This sends a powerful signal that the international community will not tolerate such crimes. Sanctions remain an important tool for the Council in our work to support the Government of National Accord and to stabilize Libya. However, they can be only one part of the solution, which requires full political reconciliation.

We reiterate our support to the Presidency Council and the Government of National Accord, headed by Prime Minister Serraj, as the legitimate executive authorities under the Libyan Political Agreement. The Council needs to be ready to take swift action against spoilers who continue to obstruct peace, security and stability in Libya. We welcome the tireless efforts of Special Representative of the Secretary-General Ghassan Salamé and the United Nations Support Mission in Libya to reach an inclusive political settlement within the framework of the Libyan Political Agreement, and we look forward to the Special Representative's briefing to the Council on Wednesday.

Mr. Orrenius Skau (Sweden): We welcome the adoption of resolution 2441 (2018), reaffirming the Council's sanctions measures against Libya, and we would like to thank the United Kingdom for the transparent and inclusive negotiation process.

Sweden, together with the Netherlands and with the strong support of partners, is particularly pleased to have introduced the act of planning, directing or committing sexual and gender-based violence as a separate and distinct criterion for listing under the sanctions. Unfortunately, this is particularly relevant in the Libyan context. As reported by the Secretary-General, his Special Representative on Sexual Violence in Conflict and the Panel of Experts of the Committee established pursuant to resolution 1970 (2011), among others, conflict-related sexual violence and sexual violence in detention centres are an acute problem in Libya. It is our sincere hope that the highlighting of this problem can make a decisive change, compel compliance and trigger accountability on the ground in Libya.

On the horizontal level, we hope that the Council will continue to expand its sanctions listing criteria in other sanctions regimes, when relevant, and counter the myth that sexual violence is an inevitable part of conflict. We further welcome the Council's recognition of the need for sexual and gender-based violence expertise among the Panel of Experts, which will give the Committee and the Council the further understanding they need to address this serious problem.

Together with the United Nations Support Mission in Libya, the referral of the situation in Libya to the International Criminal Court and the measures to prevent migrant smuggling through Libya, the sanctions play an integral part in the Security Council's broader measures to support Libya in building long-term peace and stability. The Libya Sanctions Committee recently finished its first-ever mission to the country and through its Swedish Chair will provide its first impressions from the trip later this week.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): We were unable to support resolution 2441 (2018), drafted by the United Kingdom. No account was taken of our principled and duly justified comments. The authors incorporated into the resolution a provision specifying sexual and gender-based violence as a separate criterion for sanctions, although such actions are fully covered in the existing listing criteria. The existence of precedents in the Committee established pursuant to resolution 2127 (2013) and recently extended pursuant to resolution 2399 (2018) concerning the Central African Republic, as well as in the Committee established pursuant to resolution 2206 (2015) concerning South Sudan, does not mean that the practice should automatically apply to all country situations, each of which is unique. Any unjustified appearance of a gender component in the work of the Panel of Experts of the Committee established pursuant to resolution 1970 (2011) concerning Libya will distract the experts from their main tasks.

The resolution is adopted under Chapter VII of the Charter of the United Nations, based on which the Security Council identifies the presence of threats to international peace and security and adopts decisions on measures to be taken. That is the Council's core prerogative. The issue of sexual and gender-based violence is considered by specialized bodies, such as the Human Rights Council and the Commission on the Status of Women. The appropriate division of labour must be adhered to. If not, the Security Council will find itself chasing after violators and trying to reason with domestic tyrants rather than resolving conflicts.

Sexual and gender-based violence is part of the general level of criminality in any country. For example, open-source data shows that there has been a steady rise in instances of sexual violence in Sweden, while in the Netherlands the indicator for violence against women is among the highest in the European Union. Combating this kind of crime falls first and foremost within the remit of national Governments. Measures taken by the international community must be auxiliary in nature.

We get the impression that the countries that are pushing this issue on the Council's agenda are trying to make domestic political capital out of the imposition of sanctions regimes on other States. It has occurred to no one to consider whether Security Council sanctions on specific individuals for sexual violence in Libya will actually help prevent such crimes there. That approach is populism reduced to its essence. The facts of these kinds of crimes committed against migrants in Libya only confirm our view that the most effective way to combat them is to eradicate the criminal networks involved. Everything, including the information from the Panel of Experts, indicates that the tracks lead to the migrants' countries of destination and Europe most of all. Yet we have seen no desire on the part of the European countries to impose Security Council sanctions on their own criminal authorities.

Very recently, when the mandate of the United Nations Mission for the Referendum in Western Sahara was being extended (see S/PV.8387), we spoke about the abuse of their powers by some penholders for particular issues on the Security Council's agenda. Today's case also attests to the resolution's authors' unconstructive methods, in which no effort is made to adopt documents by consensus. The penholdership mechanism needs major change.

Mr. Cohen (United States of America): Today's vote to renew the mandate authorizing Security Council sanctions on illicit petroleum exports from Libya and asset freezes and travel bans on Libyan political spoilers should have been unanimous. It should have sent a clear message to the Libyan people that we are united behind them and that we on the Security Council will hold Libyan spoilers to account for their actions.

The Security Council unanimously agreed to list six migrant smugglers earlier this year for their abuses in Libya, marking the very first time that we have ever used sanctions to respond to migrant trafficking. These criminal gangs cannot operate with impunity, and we remain deeply concerned about the welfare of the migrants they seek to exploit. We also unanimously agreed in September to list Libyan militia leader Ibrahim Jadhran for attacking Libya's oil facilities earlier this summer. That should be a warning to others who may try to seize Libya's resources for themselves, and this

mandate clearly authorizes the Security Council to act in the future.

One key factor that has not changed in Libya is the potential of the Libyan people and their desire to create a better country for themselves. The Security Council must continue to do its part.

Mr. Van Oosterom (Netherlands): As this is my first public meeting here this month, please allow me to honour your presidency, Sir, by trying to say this in Chinese.

(*spoke in Chinese*)

Thank you, Mr. President.

(*spoke in English*)

First of all, let me take this opportunity to thank the United Kingdom for its diligent efforts in coordinating the drafting of resolution 2441 (2018). In our opinion, the Libya sanctions regime is a crucial element of the Council's efforts to support peace and stability in Libya. We welcome the fact that today's resolution extends the regime, including the mandate of the Panel of Experts of the Committee established pursuant to resolution 1970 (2011), by another 15 months. We welcome in particular the addition of a new sanctions criterion for sexual and gender-based violence, pursuant to a proposal made by Sweden and us. Sexual and gender-based violence, particularly against migrants, constitutes an increasingly worrying problem in Libya that requires a strong response. The issue of sexual violence in Libya is directly connected to the issues of peace and security in Libya that we are discussing here today. The addition of this designation criterion is an important step towards addressing the issue. The need for it was also underlined by many during the Arria Formula meeting on the issue on 22 October, not only in regard to Libya but across the Council's sanctions regimes and beyond.

This year the Committee put sanctions in place against seven specific individuals. Six of them concern the first-ever sanctions on human traffickers. They were proposed by the Kingdom of the Netherlands and partners inside and outside the Council. Ensuring the implementation of these and all sanctions is key. We therefore draw the attention of all Member States to the Council's call in this resolution to implement the travel ban and the assets-freeze measures against those individuals and to report to the Committee on the steps they have taken.

Mr. Delattre (France) (*spoke in French*): On behalf of France, I would first like to express to the Chinese presidency of the Security Council our warmest wishes for success this month.

France supported the renewal of the sanctions regime against Libya for an additional 15 months and welcomes the adoption of resolution 2441 (2018). It is critical to maintain a constructive dynamic within the Council on this issue that will enable us to develop a positive vision of the stages to come and to help ensure overall stability in Libya in a context in Tripoli that is extremely fragile, as we have seen this month.

Although the text of the renewal is essentially technical, it includes certain welcome additions that strengthen the sanctions regime, specifically the introduction of sexual and gender-based violence as a designation criterion for sanctions. That is an important step forward in the Libyan context, and its proper implementation must be achieved.

The text maintains and strengthens the mechanisms in force with regard to the illicit export of all types of petroleum products. It reaffirms that Libya's oil resources must remain under the exclusive control of the Government of National Accord and the Tripoli-based National Oil Corporation for the benefit of all Libyans. The resolution also helps to safeguard the arms embargo provision, which is critical. In the light of the ongoing instability, building a unified national security architecture, under the control of the civilian authority, is a top priority.

Lastly, the text reaffirms the Council's support for the Government of National Accord and the urgent need to arrive at a political solution. It is critical to persevere in our initiatives along two lines — on the one hand, combating all those who jeopardize the tenuous political balance and exploit the situation to divert Libyan economic resources, which must remain a priority for us; on the other hand, fully supporting the efforts of the United Nations Support Mission in Libya and the Special Representative of the Secretary-General for Libya to advance the democratic transition in Libya. Libyan stakeholders must work on this together with Special Representative Ghassan Salamé, whose initiatives we fully support, without extending the deadlines.

Respect for the commitments undertaken in Paris is essential to move beyond the status quo, which only prolongs the instability. It is more important than ever

before for the Council to remain united and mobilized around these shared goals, and the Council can count on France's commitment to that end.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): The Republic of Equatorial Guinea is generally opposed to sanctions when they do not have a clearl and well-defined goal to improve or help to resolve the prevailing situation in the affected country or region. In the case at hand, bearing in mind not only the atrocious effects of the criminality in Libya, but also the fact that all of this is impacting West Africa and Central Africa, we believe that these sanctions could help to attenuate these effects.

On the other hand, we tend to forget the fact that it is women who most suffer in situations like that prevailing in Libya, characterized by human trafficking, sexual violence, the abuse of immigrants, illegal arms trafficking and the illicit trade of crude oil on the black market, all of which simply prolongs the suffering and need of the Libyan people. We believe and hope that the renewal of the sanctions through resolution 2441 (2018), which we have just adopted, will contribute, as I said, to pacifying the situation in that brotherly country of North Africa, Libya.

The meeting rose at 10.25 a.m.